

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID BLISS,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

**4:12CV3019**

**MEMORANDUM AND ORDER**

After conferring with the parties,

**IT IS ORDERED:**

- 1) The plaintiff's motion to amend, (filing no. 71), is granted. The plaintiff's amended complaint shall be filed on or before December 28, 2012.
- 2) Although the defendant does not oppose the filing of plaintiff's amended complaint, the defendant does not thereby waive any right to seek severance or bifurcation of plaintiff's new claim(s) under the Federal Rules of Civil Procedure.
- 3) The jury trial of this case is set to commence before Cheryl R. Zwart, United States Magistrate Judge, in Courtroom 2, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on **July 22, 2013**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 4) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **July 9, 2013 at 1:00 p.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on July 8, 2013. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 5) A telephonic conference with the undersigned magistrate judge will be held on **May 14, 2013 at 11:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.

- 6) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is June 12, 2013. Motions to compel Rule 33 through 36 discovery must be filed by June 26, 2013.
- 7) The deadline for supplementing expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is March 15, 2013
- 8) The deposition deadline is June 28, 2013.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is June 3, 2013.
- 10) Plaintiff's response to defendant's motion in limine and *Daubert* motion (Filing No. 55) shall be filed on or before March 14, 2013.
- 11) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.

December 21, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge